

ASSEMBLY BILL

No. 2071

Introduced by Assembly Member Hagman

February 23, 2012

An act to amend Section 1720.4 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 2071, as introduced, Hagman. Public works: volunteers.

Existing law exempts volunteers, as defined, from the application of provisions that govern public works contracts.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1720.4 of the Labor Code is amended to
2 read:

3 1720.4. (a) This chapter ~~shall~~ *does* not apply to any of the
4 following work:

5 (1) Any work performed by a volunteer. For purposes of this
6 section, "volunteer" means an individual who performs work for
7 civic, charitable, or humanitarian reasons for a public agency or
8 corporation qualified under Section 501(c)(3) of the Internal
9 Revenue Code as a tax-exempt organization, without promise,
10 expectation, or receipt of any compensation for work performed.

1 (A) An individual shall be considered a volunteer only when
2 his or her services are offered freely and without pressure and
3 coercion, direct or implied, from an employer.

4 (B) An individual may receive reasonable meals, lodging,
5 transportation, and incidental expenses or nominal nonmonetary
6 awards without losing volunteer status if, in the entire context of
7 the situation, those benefits and payments are not a substitute form
8 of compensation for work performed.

9 (C) An individual shall not be considered a volunteer if the
10 person is otherwise employed for compensation at any time (i) in
11 the construction, alteration, demolition, installation, repair, or
12 maintenance work on the same project, or (ii) by a contractor, other
13 than a corporation qualified under Section 501(c)(3) of the Internal
14 Revenue Code as a tax-exempt organization, that receives payment
15 to perform construction, alteration, demolition, installation, repair,
16 or maintenance work on the same project.

17 (2) Any work performed by a volunteer coordinator. For
18 purposes of this section, “volunteer coordinator” means an
19 individual paid by a corporation qualified under Section 501(c)(3)
20 of the Internal Revenue Code as a tax-exempt organization, to
21 oversee or supervise volunteers. An individual may be considered
22 a volunteer coordinator even if the individual performs some
23 nonsupervisory work on a project alongside the volunteers, so long
24 as the individual’s primary responsibility on the project is to
25 oversee or supervise the volunteers rather than to perform
26 nonsupervisory work.

27 (3) Any work performed by the California Conservation Corps
28 or by Community Conservation Corps certified by the California
29 Conservation Corps pursuant to Section 14507.5 of the Public
30 Resources Code.

31 (b) This section shall apply retroactively to otherwise covered
32 work concluded on or after January 1, 2002, to the extent permitted
33 by law.

34 (c) This section shall remain in effect only until January 1, 2017,
35 and as of that date is repealed, unless a later enacted statute, which
36 is enacted before January 1, 2017, deletes or extends that date.